

1 JOHN W. RALLS (CA Bar No. 148233)

[RallsJ@howrey.com](mailto:RallsJ@howrey.com)

2 JOHN FOUST (CA Bar No. 218824)

[FoustJ@howrey.com](mailto:FoustJ@howrey.com)

3 HOWREY LLP

525 Market Street, Suite 3600

4 San Francisco, CA 94105-2708

Tel. 415.848.4900 // Fax 415.848.4999

5 Attorneys for Defendants

6 DICK/MORGANTI, DICK CORPORATION,

and THE MORGANTI GROUP

7  
8  
9 UNITED STATES DISTRICT COURT

10 NORTHERN DISTRICT OF CALIFORNIA—SAN FRANCISCO DIVISION

11  
12 UNITED STATES OF AMERICA for the Use and  
Benefit of WEBCOR CONSTRUCTION, INC. dba

13 WEBCOR BUILDERS, and WEBCOR  
CONSTRUCTION, INC. dba WEBCOR

14 BUILDERS,

15 Plaintiffs,

16 vs.

17 DICK/MORGANTI, a joint venture, DICK  
CORPORATION, THE MORGANTI GROUP,  
18 AMERICAN CASUALTY COMPANY OF  
READING, PA, NATIONAL UNION FIRE  
INSURANCE COMPANY OF PITTSBURGH, PA,  
19 and DOES 1 through 10, inclusive,

20 Defendants.

21 AND RELATED COUNTER-CLAIMS AND  
22 THIRD PARTY CLAIMS.

Case No.: 3:07-CV-02564-CRB

**STIPULATION AND ~~PROPOSED~~  
ORDER FURTHER EXTENDING  
TIME TO FILE ANSWER AND  
COUNTERCLAIM**

Before: Hon. Charles R. Breyer

23  
24 Pursuant to Local Civil Rule 6-2, Defendants, Counter-Claimants, and Third Party  
25 Complainants DICK/MORGANTI, DICK CORPORATION, and THE MORGANTI GROUP  
26 (together, “D/M”) and Plaintiff WEBCOR CONSTRUCTION, INC. dba WEBCOR BUILDERS  
27 (“Webcor”) hereby stipulate and agree that the deadline for D/M to file an answer to Webcor’s  
28 complaint, as well as the time for D/M to file a counterclaim, if any, be further extended by 31

1 days from **September 18, 2009**, to **October 19, 2009**. The parties and their representatives  
2 continue to meet and discuss various issues, including how Webcor's claims will be addressed at  
3 the upcoming mediations with the Project owner. In the meantime, the parties prefer to avoid  
4 spending time on litigation activities and filings in the case, and therefore stipulate to this further  
5 extension of time.

6 The time for D/M to file an answer to Webcor's complaint and the time for D/M to file a  
7 counterclaim has been extended several times before. Additionally, there have been other time  
8 extensions in this case, including time extensions in connection with case management  
9 conferences.

10 A declaration in support of this stipulated request is attached.

11  
12 Dated: September 18, 2009

HOWREY LLP  
525 Market Street, Suite 3600  
San Francisco, California 94105  
Tel. 415.848.4900 // Fax 415.848.4999

15 By: /s/  
16 John W. Ralls  
17 John Foust  
18 Attorneys for Defendants, Counter-Claimants  
19 and Third Party Complainants  
20 DICK/MORGANTI, DICK CORPORATION,  
21 and THE MORGANTI GROUP

22  
23  
24 Dated: September \_\_, 2009

BOWLES & VERNA LLP  
2121 N. California Boulevard, Suite 875  
Walnut Creek, California 94596  
Tel. 925.935.3300 // Fax 925.935.0371

25 By: \_\_\_\_\_  
26 Kenneth G. Jones  
27 Michael P. Connolly  
28 Attorneys for Plaintiff  
WEBCOR CONSTRUCTION, INC. dba  
WEBCOR BUILDERS

1 days from **September 18, 2009**, to **October 19, 2009**. The parties and their representatives  
2 continue to meet and discuss various issues, including how Webcor's claims will be addressed at  
3 the upcoming mediations with the Project owner. In the meantime, the parties prefer to avoid  
4 spending time on litigation activities and filings in the case, and therefore stipulate to this further  
5 extension of time.

6 The time for D/M to file an answer to Webcor's complaint and the time for D/M to file a  
7 counterclaim has been extended several times before. Additionally, there have been other time  
8 extensions in this case, including time extensions in connection with case management  
9 conferences.

10 A declaration in support of this stipulated request is attached.

11  
12 Dated: September \_\_, 2009

HOWREY LLP  
525 Market Street, Suite 3600  
San Francisco, California 94105  
Tel. 415.848.4900 // Fax 415.848.4999

13  
14  
15 By: \_\_\_\_\_

16 John W. Ralls  
17 John Foust  
18 Attorneys for Defendants, Counter-Claimants  
19 and Third Party Complainants  
20 DICK/MORGANTI, DICK CORPORATION,  
21 and THE MORGANTI GROUP

22  
23  
24 Dated: September 17, 2009

BOWLES & VERNA LLP  
2121 N. California Boulevard, Suite 875  
Walnut Creek, California 94596  
Tel. 925.935.3300 // Fax 925.935.0371

25 By: \_\_\_\_\_

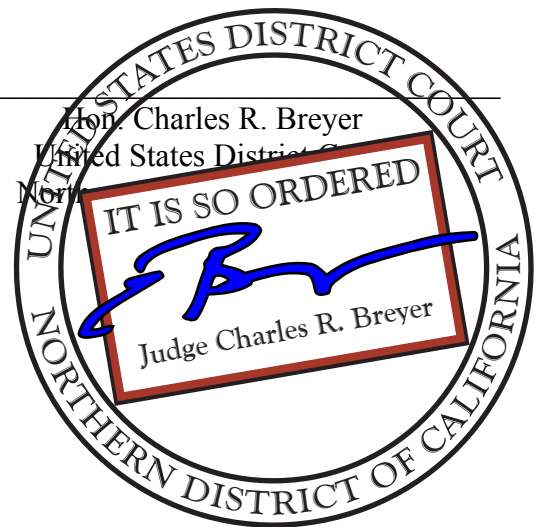
26 Kenneth G. Jones  
27 Michael P. Connolly  
28 Attorneys for Plaintiff  
WEBCOR CONSTRUCTION, INC. dba  
WEBCOR BUILDERS

**ORDER**

The deadline for Defendants, Counter-Claimants, and Third Party Complainants DICK/MORGANTI, DICK CORPORATION, and THE MORGANTI GROUP (together, "D/M") to file an answer to the complaint of Plaintiff WEBCOR CONSTRUCTION, INC. dba WEBCOR BUILDERS ("Webcor"), as well as the time for D/M to file a counterclaim, if any, is further extended by 31 days from **September 18, 2009**, to **October 19, 2009**.

PURSUANT TO STIPULATION, IT IS SO ORDERED.

Dated: Sept. 21, 2009



- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24
- 25
- 26
- 27
- 28

3

4  
5  
6

7  
8  
9  
10  
11  
12  
13

14  
15  
16  
17

18  
19

20

22